

## Message Text

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ORIGIN CAB-05

INFO OCT-01 EUR-12 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

EB-07 INR-05 NSAE-00 RSC-01 FAA-00 L-02 /033 R

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R 292312Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY VIENNA

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E.O. 11652:N/A

TAGS: EAIR, AU

SUBJECT: CIVAIR: CHARTER UNDERSTANDING

REF: VIENNA 8225

1. SUMMARY: USG CONTINUES TO BE INTERESTED IN CONCLUDING FULL MEMORANDUM OF UNDERSTANDING ON TGCS AND ABCS. RECENT AUSTRIAN AND US RULE CHANGES NECESSITATE SOME REVISIONS IN TEXT. IN ADDITION TO 60 DAY FILING IN LIEU OF 90 DAY, US RULE NOW PROVIDES FOR UP TO 15 PERCENT SUBSTITUTION FROM GENERAL PUBLIC UNTIL FLIGHT DEPARTURE. AUSTRIAN RULE PROVIDES FOR SEVEN DAY MINIMUM STAY IN LIEU OF TEN OR FOURTEEN DAY MINIMUM STAYS AND UP TO 15 PERCENT SUBSTITUTION UNTIL 10 DAYS BEFORE FLIGHT DEPARTURE. AUSTRIAN CHANGES ARE ACCEPTABLE TO USG IF US CHANGES ARE ACCEPTABLE TO GOA. EMBASSY MAY PROVIDE AMENDED DRAFT MOU TO GOA TO DETERMINE WHETHER ACCEPTABLE. END SUMMARY.

2. RE PARAS 2 AND 3 REFTTEL, RECOMMEND EMBASSY TEL DVORAK USG FAILS TO SEE ANY LINK BETWEEN US-ECAC DISCUSSIONS ABOUT BILATERAL AGREEMENTS ON TRAFFIC RIGHTS AND MOU ON "AD-LIMITED OFFICIAL USE

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VANCE CHARTERS" CHARTERWORTHINESS ACCEPTANCE. TWO DIFFER-

ENT KINDS OF "AGREEMENTS" OR "UNDERSTANDINGS" ARE INVOLVED. AS DVORAK UNDOUBTEDLY AWARE, FRG, FRANCE, U.K., IRELAND AND NETHERLANDS, ALL ECAC MEMBERS IN GOOD STANDING, HAVE ENTERED INTO THESE CHARTERWORTHINESS MOU'S WITH USG.

3. RE PARA 5 REFTTEL, ACCEPTANCE OF US TGC RULE INVOLVES ACCEPTANCE OF COMMINGLING OF OTHER CHARTER TYPES WITH TGC ON US ORIGINATIONS. JUST AS OTHER EUROPEAN GOVERNMENTS HAVE ACCEPTED THE RULE WITHOUT RESERVATIONS THIS UNDERSTANDING SIMILARLY HAS NO ROOM FOR EXCEPTIONS INsofar AS TGCS ARE INVOLVED. WE SEE NO CONFLICT WITH RECENT AUSTRIAN RULES AS THEY DO NOT GOVERN TGCS, ONLY ABCS AND ITCS AND AFFINITIES. GOA COULD REJECT A TGC COMMINGLED WITH OTHER TYPE OR TYPES, BUT ONLY IF OTHER TYPES UNCHARTERWORTHY FOR BONA FIDE REASONS OTHER THAN FACT OF BEING COMMINGLED.

4. RE PARA 6 REFTTEL, MOU'S WITH OTHER ECAC STATES ARE ALSO REGISTERED WITH ICAO. ACCORDINGLY, HOWSOEVER THEY ARE NAMED THERE IS NO BASIS FOR ECAC TO CRITICIZE AUSTRIA.

5. EMBASSY SHOULD TRANSMIT NEW DRAFT FOR GOA APPROVAL USING TEXT SET FORTH VIENNA 3079 AS AMENDED STATE 95367 (EXCEPT DISREGARD PARA 3.B STATE 95367), AMENDED TO REPLACE THE SECOND SENTENCE OF FOOTNOTE 1 WITH THE FOLLOWING: "ABC MEANS THOSE RULES OF AUSTRIA EMBODIED IN SUBSECTION F) OF SECTION FAL 1.3.2 OF AIP AUSTRIA WHICH ENTERED INTO EFFECT ON NOVEMBER 1, 1974, AND ANY AMENDMENTS THERETO." INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, SUPPLEMENTAL AIRLINES, AVIATION AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 29 NOV 1974  
**Decaption Date:** 01 JAN 1960  
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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** BIA:JRCHESEN:DAP  
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**Errors:** N/A  
**Film Number:** D740347-1046  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR: CHARTER UNDERSTANDING  
**TAGS:** EAIR, AU  
**To:** VIENNA  
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